

AMENDED IN SENATE JUNE 26, 2014

AMENDED IN ASSEMBLY MAY 23, 2014

AMENDED IN ASSEMBLY APRIL 22, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 1570

Introduced by Assembly Member Chesbro

January 30, 2014

An act to amend, repeal, and add Sections 1569.23, 1569.625, and 1569.626 of the Health and Safety Code, relating to care facilities.

LEGISLATIVE COUNSEL'S DIGEST

AB 1570, as amended, Chesbro. Residential care facilities for the elderly.

Existing law provides for the licensure and regulation of residential care facilities for the elderly by the State Department of Social Services. Violation of these provisions is a misdemeanor. Existing law requires, as a requirement for licensure, that the applicant demonstrate that he or she has successfully completed a certification program approved by the department that includes, at a minimum, 40 hours of classroom instruction, and provides that successful completion of the certification program shall be demonstrated by passing a written test and submitting a fee to the department for the issuance of a certificate of completion. Existing law also requires the department to adopt regulations to require staff members of residential care facilities for the elderly who assist residents with personal activities of daily living to receive appropriate training, which includes 10 hours within the first 4 weeks of employment and 4 hours annually thereafter. Existing law requires all residential care facilities for the elderly that advertise or promote special care,

special programming, or a special environment for persons with dementia to meet additional training requirements for all direct staff.

This bill would, effective ~~July 1, 2015~~, *January 1, 2016*, instead, require the certification program for an applicant for licensure to consist of 100 hours of course work and a state-administered examination of no less than 100 questions. The bill would require the examination to reflect the uniform core of knowledge required and would require the department, no later than July 1, ~~2015~~, *2016*, and every other year thereafter, to review and revise the examination to reflect changes in law and regulations in order to ensure the rigor and quality of the examination. The bill would require staff members of residential care facilities for the elderly who assist residents with personal activities of daily living to receive 40 hours of training before working independently with residents, and an additional ~~12~~ 20 hours annually, as prescribed. The bill would also apply the training requirements specific to dementia care to all residential care facilities for the elderly.

By expanding the scope of a crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 1569.23 of the Health and Safety Code
- 2 is amended to read:
- 3 1569.23. (a) As a requirement for licensure, the applicant
- 4 shall demonstrate that he or she has successfully completed a
- 5 certification program approved by the department.
- 6 (b) The certification program shall be for a minimum of 40
- 7 hours of classroom instruction and include a uniform core of
- 8 knowledge which shall include all of the following:
- 9 (1) Law, regulations, policies, and procedural standards that
- 10 impact the operations of residential care facilities for the elderly.
- 11 (2) Business operations.
- 12 (3) Management and supervision of staff.

1 (4) Psychosocial need of the elderly residents.

2 (5) Physical needs for elderly residents.

3 (6) Community and support services.

4 (7) Use, misuse, and interaction of drugs commonly used by
5 the elderly.

6 (8) Resident admission, retention, and assessment procedures.

7 (c) Successful completion of the certification program shall be
8 demonstrated by passing a written test and submitting a fee of one
9 hundred dollars (\$100) to the department for the issuance of a
10 certificate of completion.

11 (d) The department shall establish by regulation the program
12 content, the testing instrument, process for approving certification
13 programs, and criteria to be used for authorizing individuals or
14 organizations to conduct certification programs. These regulations
15 shall be developed with the participation of provider organizations.

16 (e) This section shall apply to all applications for licensure
17 unless the applicant provides evidence that he or she has a current
18 license for another residential care facility for the elderly which
19 was initially licensed prior to July 1, 1989, or has successfully
20 completed an approved certification program within the prior five
21 years.

22 (f) If the applicant is a firm, partnership, association, or
23 corporation, the chief executive officer, or other person serving in
24 a like capacity, or the designated administrator of the ~~facility~~
25 *facility*, shall provide evidence of successfully completing an
26 approved certification program.

27 ~~(g) This section shall become inoperative on July 1, 2015, and,~~
28 ~~as of January 1, 2016, is repealed, unless a later enacted statute,~~
29 ~~that becomes operative on or before January 1, 2016, deletes or~~
30 ~~extends the dates on which it becomes inoperative and is repealed.~~

31 *(g) This section shall remain in effect only until January 1, 2016,*
32 *and as of that date is repealed, unless a later enacted statute, that*
33 *is enacted before January 1, 2016, deletes or extends that date.*

34 SEC. 2. Section 1569.23 is added to the Health and Safety
35 Code, to read:

36 1569.23. (a) As a requirement for licensure, the applicant shall
37 demonstrate that he or she has successfully completed a
38 certification program approved by the department.

39 (b) The certification program shall consist of both of the
40 following:

(1) One hundred hours of coursework, at least ~~40~~ 60 hours of which shall be attended in person.

(2) A state-administered examination consisting of no less than 100 questions. The examination shall reflect the uniform core of knowledge required pursuant to subdivision (c).

(c) The certification program shall include a uniform core of knowledge which shall include all of the following:

(1) Law, including ~~personal rights~~, regulations, policies, and procedural standards that impact the operations of residential care facilities for the elderly.

(2) Business operations.

(3) Management and supervision of staff.

(4) Psychosocial need of the elderly residents.

(5) Physical needs for elderly residents.

(6) Community and support services.

(7) Medication management, including use, misuse, and interaction of drugs commonly used by the elderly, including ~~antipsychotics~~; *antipsychotics, and the adverse effects of psychotropic drugs for use in controlling the behavior of persons with dementia.*

(8) Resident admission, retention, and assessment procedures.

(9) Managing Alzheimer's disease and related ~~dementias~~; *dementias, including nonpharmacologic, person-centered approaches to dementia care.*

(10) Managing the physical environment, including maintenance and housekeeping.

(11) *Residents' rights, and the importance of initial and ongoing training for all staff to ensure residents' rights are fully respected and implemented.*

(12) *Cultural competency and sensitivity in issues relating to the underserved, aging, lesbian, gay, bisexual, and transgender community.*

(13) *Postural supports, restricted health conditions, and hospice care.*

(d) Successful completion of the certification program shall be demonstrated by passing the state-administered examination and submitting a fee of one hundred dollars (\$100) to the department for the issuance of a certificate of completion.

(e) (1) The department shall establish by regulation the program content, the testing instrument, process for approving certification

1 programs, and criteria to be used for authorizing individuals or
2 organizations to conduct certification programs. These regulations
3 shall be developed with the participation of provider organizations.

4 (2) The department shall ensure that the examination consists
5 of at least 100 questions and allows an applicant to have access to
6 the California Residential Care Facility for the Elderly Act, related
7 regulations, and the evaluator manual during the examination. The
8 department, no later than July 1 of every *other* year, shall review
9 and revise the examination ~~to reflect changes in law and regulations~~
10 in order to ensure the rigor and quality of the examination. *Each*
11 *year, the department shall ensure by January 1 that the exam is*
12 *not in conflict with current law.* The department may convene a
13 stakeholder group to assist in developing and reviewing test
14 questions.

15 (f) This section shall apply to all applications for licensure unless
16 the applicant provides evidence that he or she has a current license
17 for another residential care facility for the elderly which was
18 initially licensed prior to July 1, 1989, or has successfully
19 completed an approved certification program within the prior five
20 years.

21 (g) If the applicant is a firm, partnership, association, or
22 corporation, the chief executive officer, or other person serving in
23 a like capacity, or the designated administrator of the ~~facility~~
24 *facility*, shall provide evidence of successfully completing an
25 approved certification program.

26 (h) This section shall become operative on ~~July 1, 2015.~~ *January*
27 *1, 2016.*

28 SEC. 3. Section 1569.625 of the Health and Safety Code is
29 amended to read:

30 1569.625. (a) The Legislature finds that the quality of services
31 provided to residents of residential care facilities for the elderly is
32 dependent upon the training and skills of staff. It is the intent of
33 the Legislature in enacting this section to ensure that direct-care
34 staff have the knowledge and proficiency to carry out the tasks of
35 their jobs.

36 (b) The department shall adopt regulations to require staff
37 members of residential care facilities for the elderly who assist
38 residents with personal activities of daily living to receive
39 appropriate training. This training shall consist of 10 hours of
40 training within the first four weeks of employment and four hours

1 annually thereafter. This training shall be administered on the job,
2 or in a classroom setting, or any combination of the two. The
3 department shall establish, in consultation with provider
4 organizations, the subject matter required for this training.

5 (c) The training shall include, but not be limited to, all of the
6 following:

- 7 (1) Physical limitations and needs of the elderly.
- 8 (2) Importance and techniques for personal care services.
- 9 (3) Residents' rights.
- 10 (4) Policies and procedures regarding medications.
- 11 (5) Psychosocial needs of the elderly.

12 ~~(d) This section shall become inoperative on July 1, 2015, and,~~
13 ~~as of January 1, 2016, is repealed, unless a later enacted statute,~~
14 ~~that becomes operative on or before January 1, 2016, deletes or~~
15 ~~extends the dates on which it becomes inoperative and is repealed.~~

16 *(d) This section shall remain in effect only until January 1, 2016,*
17 *and as of that date is repealed, unless a later enacted statute, that*
18 *is enacted before January 1, 2016, deletes or extends that date.*

19 SEC. 4. Section 1569.625 is added to the Health and Safety
20 Code, to read:

21 1569.625. (a) The Legislature finds that the quality of services
22 provided to residents of residential care facilities for the elderly is
23 dependent upon the training and skills of the staff. It is the intent
24 of the Legislature in enacting this section to ensure that direct-care
25 staff have the knowledge and proficiency to carry out the tasks of
26 their jobs.

27 (b) (1) The department shall adopt regulations to require staff
28 members of residential care facilities for the elderly who assist
29 residents with personal activities of daily living to receive
30 appropriate training. This training shall consist of 40 hours of
31 training to be completed before a staff member begins working
32 independently with residents. The 40 hours of training shall consist
33 of 24 hours of coursework training prior to resident contact,
34 including 12 hours specific to dementia care, as required by
35 subdivision (a) of Section ~~1569.626~~. *1569.626 and four hours*
36 *specific to postural supports, restricted health conditions, and*
37 *hospice care, as required by subdivision (a) of Section 1569.696.*
38 The training coursework may utilize various methods of instruction,
39 including, but not limited to, lectures, instructional videos, and

1 interactive online courses. The additional 16 hours shall be
2 hands-on training.

3 (2) In addition to paragraph (1), training requirements shall also
4 include an additional ~~12~~ 20 hours annually, including the first year
5 of employment, eight hours of which shall be dementia care
6 training, as required by subdivision (b) of Section ~~1569.626~~.
7 *1569.626, and two hours of which shall be specific to postural*
8 *supports, restricted health conditions, and hospice care, as*
9 *required by subdivision (a) of Section 1569.696. This training*
10 *shall be administered on the job, or in a classroom setting, or both.*

11 (3) The department shall establish, in consultation with provider
12 organizations, the subject matter required for the training required
13 by this section.

14 (c) The training shall include, but not be limited to, all of the
15 following:

- 16 (1) Physical limitations and needs of the elderly.
- 17 (2) Importance and techniques for personal care services.
- 18 (3) Residents' rights.
- 19 (4) Policies and procedures regarding medications.
- 20 (5) Psychosocial needs of the elderly.
- 21 (6) Dementia care, including the *use and* misuse of
22 antipsychotics, ~~as required by Section 1569.626.~~ *the interaction*
23 *of drugs commonly used by the elderly, and the adverse effects of*
24 *psychotropic drugs for use in controlling the behavior of persons*
25 *with dementia.*
- 26 (7) *The special needs of persons with Alzheimer's disease and*
27 *dementia, including nonpharmacologic, person-centered*
28 *approaches to dementia care.*
- 29 (8) *Cultural competency and sensitivity in issues relating to the*
30 *underserved, aging, lesbian, gay, bisexual, and transgender*
31 *community.*

32 (d) *This section shall not apply to certified nurse assistants,*
33 *certified pursuant to Article 9 (commencing with Section 1337) of*
34 *Chapter 2, licensed vocational nurses, licensed pursuant to Chapter*
35 *6.5 (commencing with Section 2840) of Division 2 of the Business*
36 *and Professions Code, and registered nurses, licensed pursuant*
37 *to Chapter 6 (commencing with Section 2700) of Division 2 of the*
38 *Business and Professions Code, except both of the following shall*
39 *apply:*

1 (1) A licensed or certified health professional with valid
2 certification shall receive eight hours of training on resident
3 characteristics, resident records, and facility practices and
4 procedures prior to providing direct care to residents.

5 (2) In addition to paragraph (1), a certified nurse assistant shall
6 also receive the 12 hours of dementia care training specified in
7 Section 1569.626 and the annual training specified in paragraph
8 (2) of subdivision (b).

9 ~~(d)~~

10 (e) This section shall become operative on ~~July 1, 2015~~. January
11 1, 2016.

12 SEC. 5. Section 1569.626 of the Health and Safety Code is
13 amended to read:

14 1569.626. (a) All residential care facilities for the elderly that
15 advertise or promote special care, special programming, or a special
16 environment for persons with dementia, in addition to complying
17 with the training requirements described in Section 1569.625, shall
18 meet the following training requirements for all direct care staff:

19 (1) Six hours of resident care orientation within the first four
20 weeks of employment. All six hours shall be devoted to the care
21 of persons with dementia. The facility may utilize various methods
22 of instruction, including, but not limited to, preceptorship,
23 mentoring, and other forms of observation and demonstration. The
24 orientation time shall be exclusive of any administrative instruction.

25 (2) Eight hours of in-service training per year on the subject of
26 serving residents with dementia. This training shall be developed
27 in consultation with individuals or organizations with specific
28 expertise in dementia care or by an outside source with expertise
29 in dementia care. In formulating and providing this training,
30 reference may be made to written materials and literature on
31 dementia and the care and treatment of persons with dementia.
32 This training requirement may be satisfied in one day or over a
33 period of time. This training requirement may be provided at the
34 facility or offsite and may include a combination of observation
35 and practical application.

36 ~~(b) This section shall become inoperative on July 1, 2015, and,~~
37 ~~as of January 1, 2016, is repealed, unless a later enacted statute,~~
38 ~~that becomes operative on or before January 1, 2016, deletes or~~
39 ~~extends the dates on which it becomes inoperative and is repealed.~~

1 **(b)** *This section shall remain in effect only until January 1, 2016,*
2 *and as of that date is repealed, unless a later enacted statute, that*
3 *is enacted before January 1, 2016, deletes or extends that date.*

4 SEC. 6. Section 1569.626 is added to the Health and Safety
5 Code, to read:

6 1569.626. (a) All residential care facilities for the elderly shall
7 meet the following training requirements, as described in Section
8 1569.625, for all direct care staff:

9 (1) Twelve hours of dementia care training before a staff
10 member begins working independently with residents. All 12 hours
11 shall be devoted to the care of persons with dementia. The facility
12 may utilize various methods of instruction, including, but not
13 limited to, preceptorship, mentoring, and other forms of observation
14 and demonstration. The orientation time shall be exclusive of any
15 administrative instruction.

16 (2) Eight hours of in-service training per year on the subject of
17 serving residents with dementia. This training shall be developed
18 in consultation with individuals or organizations with specific
19 expertise in dementia care or by an outside source with expertise
20 in dementia care. In formulating and providing this training,
21 reference may be made to written materials and literature on
22 dementia and the care and treatment of persons with dementia.
23 This training requirement may be satisfied in one day or over a
24 period of time. This training requirement may be provided at the
25 facility or offsite and may include a combination of observation
26 and practical application.

27 **(b)** *This section shall become operative on ~~July 1, 2015.~~ January*
28 *1, 2016.*

29 SEC. 7. No reimbursement is required by this act pursuant to
30 Section 6 of Article XIII B of the California Constitution because
31 the only costs that may be incurred by a local agency or school
32 district will be incurred because this act creates a new crime or
33 infraction, eliminates a crime or infraction, or changes the penalty
34 for a crime or infraction, within the meaning of Section 17556 of
35 the Government Code, or changes the definition of a crime within
36 the meaning of Section 6 of Article XIII B of the California
37 Constitution.